



Appeal Decision

Site visit made on 26 March 2025

by **S Burch BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 May 2025.

Appeal Ref: APP/V4630/W/24/3354771

Land rear of 13, 13A and 15 Buchanan Road, Walsall WS4 2EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Jayesh Patel against the decision of Walsall Metropolitan Borough Council.
- The application Ref is 24/0389.
- The development proposed is a 3 bedroom dwellinghouse with vehicle access from Cameron Road, driveway parking, associated landscaping, bin store, retaining walls, patio area and the removal of 3 protected trees and replacement tree planting on garden land to the rear of 15 Buchanan Road.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. The main parties were provided with an opportunity to comment. I have had regard to the 2024 version of the Framework in my decision.
3. I have amended the address provided in the application form for reasons of clarity. The address provided in the banner heading above matches that listed on the decision notice and the appeal form.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is situated to the rear of 13, 13A and 15 Buchanan Road and forms part of the existing garden of No. 15, facing onto Cameron Road. Surrounding development includes both single and two storey dwellings and there are also some three storey properties in a range of different styles and designs. There is an absence of built form to the rear of No's 13, 13A and 15 as Buchanan Road approaches the junction with Cameron Road. The layout of development within the immediate surrounding area is generally relatively ordered, with dwellings facing the highway with a degree of setback from the road. Most dwellings benefit from long spacious rear gardens. This contributes to the suburban character of the area. The site is situated in close proximity to the Arboretum Conservation Area (CA).

6. The scheme would result in the creation of a dwelling situated in the rear garden of No.15. It would be accessed from Cameron Road. The proposed dwelling would be sited on an awkwardly shaped plot of land which is partially to the rear of 2 Cameron Road. The plot of land would contrast with surrounding development which is generally characterised by long, narrow plots with spacious rear gardens along Buchanan Road and Cameron Road. Whilst I do acknowledge that there is some variation in this, such as 11 Buchanan Road and 2 Cameron Road, these are towards the junction with Buchanan Road and Cameron Road where the plots naturally shorten in length due to the proximity of the two roads.
7. The plot layouts at 1 Argyle Road and 8 Cameron Road are also referenced as differing from surrounding development. However, this form is due to the layout of the road where Cameron Road meets Argyle Road. Similarly, the variation in the shape of the plot at 2 Argyle Road is due to the bend in the road as it meets Cameron Road. In addition, this plot benefits from a large spacious rear garden which is reflective of the surrounding pattern of development.
8. I am not satisfied that the plot at 33 Buchanan Avenue is directly comparable to the scheme. This is a large plot which is occupied by a Victorian style property and situated within the Arboretum CA. The context of this site reads differently given its location within the CA and positioning opposite Walsall Arboretum. I am also not satisfied that the plot to the rear of White Cottage is comparable. This plot is situated down a private laneway and therefore views of it are extremely limited in comparison to the proposal. In any instance, whilst I do accept that there is some variation in plot sizes and shapes, these generally occur naturally, following the path of the road.
9. Given the irregular shape of the plot, the proposed dwelling would face Cameron Road at an angle. The proposed positioning of the garden area to the rear of the dwelling would also sit at an unusual angle, hemmed in between a number of other plots. This would be at odds with surrounding development where there is a relatively uniform building line and an ordered pattern of development. It is stated that the properties at 2-6 Cameron Road face the road at a slight angle and whilst I do acknowledge this to be the case these still maintain the relatively uniform building line as Cameron Road sweeps around to meet Argyle Road.
10. The appellant outlines how the positioning and orientation of 11 Buchanan Road creates a building line that faces Cameron Road at an angle. However, this property's main elevation follows the established building line along Buchanan Road. The fact that its rear elevation sits an angle to Cameron Road does not create a new building line and I am not satisfied that the proposed dwelling and this dwelling are directly comparable given they would face onto different roads.
11. I also acknowledge that the properties at 1 Argyle Road and 8 Cameron Road face the road at a slight angle, however as outlined above these follow the layout of the Road. I am similarly not satisfied that the positioning of the dwelling at 33 Buchanan Avenue is comparable to the proposed dwelling. As explained above, this property is situated within the CA on a generous plot opposite Walsall Arboretum. It therefore reads differently in the street scene, in comparison to the proposed dwelling.
12. The appellant outlines how historically a garage which faced Cameron Road at an angle occupied the plot. However, in my view, a garage which serves an existing

dwelling reads differently in the street scene to a separate dwelling with its own rear garden, driveway and parking. I am therefore not satisfied that this is directly comparable to the scheme. In any instance, there was no garage present on my site visit. Whilst the development would be somewhat screened by vegetation, it would still be readily apparent when travelling along Cameron Road given the proposed removal of several trees and the presence of the property, driveway and parking.

13. The proposed dwelling would sit at a completely different angle to most other dwellings along Cameron Road. Its garden would be situated awkwardly in between a number of other rear gardens and would contrast to the long, spacious gardens which characterise the area. The scheme would therefore appear contrived and at odds with the prevailing pattern of development within the area. Whilst I acknowledge that the positioning of the proposed dwelling has been informed by the presence of protected trees, this does not justify the harm that I have identified.
14. Turning to the design of the proposed dwelling, the Council outline how the property would fail to provide an attractive quality-built development and instead would resemble a large garage like structure. It also raises concerns regarding the presence of bungalows to the west of the site and how a two-storey dwelling would be seen from views along Cameron Road and would therefore be visually detrimental in the street scene.
15. However, surrounding residential dwellings are of a range of sizes and styles. Along Cameron Road there are bungalows and two storey dwellings. There are also three storey dwellings as you move further down towards the CA. Part hipped and part gable roof designs are evident within the surrounding area. There are also numerous examples of dormers along Cameron Road. I am therefore satisfied that given the range of size and styles of dwellings within the area, notwithstanding my concerns regarding the positioning of the dwelling and site layout, the proposed design is high quality and reflective of surrounding development.
16. Despite my favourable findings in relation to the proposed design of the dwelling, the scheme would result in harm to the character and appearance of the area by virtue of the irregular plot size and shape and the positioning of the dwelling. As such, the proposed would conflict with Policies HOU2, ENV2 and ENV3 of the Black County Core Strategy (2011). It would also conflict with Policy HC2 of the Walsall Site Allocation Document (2019) and Policy GP2 and ENV32 of the Walsall Unitary Development Plan (2005). Collectively, amongst other things, these policies seek to ensure that development complements the character and appearance of a local area and is sympathetic to local character. It would also be contrary to the aims and objectives of the Supplementary Planning Document for Urban Design- Designing Walsall (2013) and the Framework in this regard.

Other Matters

17. I acknowledge the appellant's concerns over the Council's handling of the application. However, this is not a matter that I can consider under a Section 78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.

18. The lack of concern raised on heritage, residential amenity, highway, ecology, biodiversity, flood risk and drainage, trees or air quality grounds are considered neutral factors and do not weigh in favour of, nor against the appeal.

Planning Balance

19. The Council has conceded that they do not have a 5 year housing land supply. As of April 2024, the known supply (after discount) of 3304 dwellings is below the five year (plus 20% buffer) requirement of 5436 dwellings and equates to only sufficient for 3 years, a significant shortfall. The Council has advised that this shortfall will have increased from April 2024. There is nothing before me to suggest that there are any policies in the Framework that protect areas or assets of particular importance that provide a strong reason for refusing the development under paragraph 11d)(i).
20. Therefore, due to the provisions of footnote 8, the balance in paragraph 11d(ii) applies such that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to specified key policies.
21. Amongst the key policies highlighted are paragraph 135 of the Framework. Paragraph 135 states that planning decisions should ensure that developments add to the overall quality of the area and are sympathetic to local character and history. It can be seen from my findings above that the appeal proposal would fall short in these respects and would conflict with Policies HOU2, ENV2 and ENV3 of the Black County Core Strategy (2011), Policy HC2 of the Walsall Site Allocation Document (2019) and Policy GP2 and ENV32 of the Walsall Unitary Development Plan (2005). As these policies are generally consistent with the relevant aims of the Framework, I attach substantial weight to them.
22. The proposal would deliver one dwelling in an area of housing need. The dwelling would comply with space standards and building regulations M4(2) Accessible and Adaptable Dwellings. This would reflect a small but beneficial contribution to the choice of homes in the area. The scheme would make more efficient use of land in an accessible location. There would also be temporary and ongoing economic benefits arising from the development. This would support the Government's aims of boosting the supply of homes, the more efficient use of land and improve the current shortfall in the Council's housing land supply. A number of new trees would also be planted. Overall, whilst these are important benefits, given the modest scale of the development I attribute limited weight to them.
23. Accordingly, I find that the adverse impacts arising from the development would significantly and demonstrably outweigh the minor weight attributed to the benefits when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development does not apply in these circumstances.

Conclusion

24. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

S Burch

INSPECTOR